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Held at Headquarters, New York, on Wednesday, 1 November 2006, at 10 a.m.

Chairman: Mr. Al Bayati ..... (Iraq)

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The meeting was called to order at 10.30 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 374, 369 and Corr.1, 469, 470, 475, 489, 504 and 526)

1. **Mr. Swe** (Myanmar), speaking in exercise of the right of reply to statements made at the 34th meeting, said that he regretted that the delegations of New Zealand and Canada had ignored the guiding principles of impartiality and non-selectivity in the promotion and protection of human rights, proclaimed in General Assembly resolution 60/251, and continued to politicize human rights issues by making groundless accusations against countries such as Myanmar concerning their socio-economic and health situation and the right to food.

2. Myanmar had in fact achieved a GDP growth rate of 5.7 per cent for the period 1990-2003, as reported by the United Nations Development Programme (UNDP), and the International Monetary Fund (IMF) predicted a growth rate of 7 per cent for the current year. Myanmar had an HIV/AIDS infection rate of 1.2 per cent, which was lower than that of many other countries facing that scourge. Furthermore, according to the Food and Agriculture Organization of the United Nations (FAO), Myanmar had a malnutrition rate of only 5 per cent, which was lower than the rate for South-East Asia and the Asia-Pacific region.

3. Myanmar had shown its willingness to cooperate with the international community and the United Nations and had received visits from the Under-Secretary-General for Political Affairs and a delegation of the International Labour Organization (ILO).

4. **Ms. Zhang** Dan (China), speaking in exercise of the right of reply, said that the statement made by the delegation of Canada was contrary to the spirit of cooperation, non-selectivity and non-politicization in the consideration of human rights issues embodied in General Assembly resolution 60/251.

5. She was deeply concerned about the human rights record of Canada, where there was discrimination against the indigenous population, police violence, and xenophobia. When the Human Rights Council had been considering the adoption of the draft declaration on the rights of indigenous peoples, Canada had not only requested a vote, but had cast a negative vote, indicating a lack of political will to improve the situation of its indigenous peoples. There had also been an increase in discrimination against Muslims in Canada since 11 September 2001. Canada criticized developing countries for poor law enforcement, yet it had cases of excessive and lethal use of Taser guns by the police. He urged more dialogue and cooperation.

6. **Ms. Simovich** (Israel), speaking in exercise of the right of reply to the statement made by the Observer for Palestine at the 34th meeting, said that the Palestinians were responsible for the situation they were in, as they had chosen not to elect a peace-pursuing Government which could have built on the Israeli withdrawal from Gaza and the good faith and aid extended by the international community. Israel was deeply concerned about the humanitarian and economic situation and human rights of the Palestinian people. However, that concern was not shared by Hamas, which was interested only in terrorism. The path to a better future for the Palestinian people had been pointed out by the international community, including through the Quartet. Hamas must recognize Israel, accept and implement agreements signed between Israel and the Palestinian Authority and put an end to violence and terrorism, including the attacks on its southern communities.

7. A year earlier, Israel had removed its presence from the Gaza Strip, opening the way for peace talks. However, Palestine had responded with acts of terrorism and ongoing Kassam rocket attacks. Moreover, tunnels to smuggle weapons into Gaza for use against the people of Israel had recently been discovered along the border with Egypt. Consequently, Israel had adopted a number of security measures to limit the number of terrorist attacks and protect its citizens.

8. Israel attached importance to human rights and to the welfare and well-being of the Palestinian people. She wished to hear similar calls for peace from the

Palestinian side, first and foremost through the release of the abducted soldier, Gilad Shalit. It was not too late for the Palestinian leadership to show genuine commitment to pave the way for a true partnership for peace.

9. **Mr. Nikiforov** (Russian Federation), speaking in exercise of the right of reply, said that the statement by the representative of Georgia at the 34th meeting contained unsubstantiated claims against the Russian Federation, as part of the Georgian Government's ongoing anti-Russian campaign, based on misinformation and efforts to brainwash its citizens. Force was being used in Abkhazia and southern Ossetia, which increased tension and posed a direct threat to stability and security in the entire southern Caucasus region, with severe consequences for bilateral Russian-Georgian relations and regional relations. The irresponsible measures taken by the Government of Georgia to subvert existing agreements and negotiating and peacebuilding mechanisms had already been the subject of strong condemnation, including in Security Council resolution 1716 (2006). The Russian Federation's response had been commensurate with the unfriendly policy Georgia had been conducting for years. The improvement of Russian-Georgian relations depended on whether the Georgian Government would take positive measures to show its desire to normalize relations with Russia, rather than perpetuating belligerence and anti-Russian sentiment.

10. **Mr. Omidzamani** (Islamic Republic of Iran), speaking in exercise of the right of reply to the statement made by the delegation of New Zealand at the 34th meeting, emphasized that the Government of Iran had always accorded priority to the promotion and protection of human rights and fundamental freedoms for all Iranians. He drew attention to reports of human rights treaty bodies, such as the Committee against Torture, and particularly the recommendation by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people that the bill of rights of New Zealand should be entrenched to better protect the human rights of all citizens regardless of ethnicity or race.

11. The Committee should safeguard the credibility of the human rights system and not allow it to be a hostage of political agendas. The principles of objectivity, non-politicization and non-selectivity should be upheld.

12. **Mr. Normandin** (Canada), speaking in exercise of the right of reply, said that the Government of Canada had acknowledged that its human rights record was not perfect, and discussed the steps it was taking to address any shortcomings in that regard. He could not recall such frankness in the statement by the representative of the Islamic Republic of Iran on its human rights problems or any details about the specific steps the Government of that country was taking to address them.

13. The reports on the human rights situation in Canada were available because Canada cooperated with United Nations mechanisms and was fully up-to-date in its reporting to the treaty bodies. Those reports were widely discussed in Canada, through the media, NGOs, and a number of political parties. There were many human rights advocates in Canada, including aboriginal leaders, who could speak freely, hold the Government accountable, and were not jailed for expressing an opinion or claiming their rights. He encouraged delegations to read United Nations reports in order to acquire a comprehensive picture of the situation in Canada.

14. Canada exercised rigorous control over the lawfulness of all forms of deprivation of liberty. It had adopted a series of measures, including open discussions with its aboriginal population on relevant issues, and had negotiated land claims and self-government agreements. Other measures related to residential schools, empowerment of indigenous groups and a consultation process on matrimonial property. Canada was indeed concerned about the well-being and the human rights of migrants, who were protected by a range of national and international instruments.

15. Canada was in favour of a genuine, open discussion on human rights, and its approach was to acknowledge the issues, engage with all stakeholders, and act to make progress, whereas the approach of the Islamic Republic of Iran, domestically and internationally, was based on denial, stifling of debate and retaliation. The Committee and the citizens of the Islamic Republic of Iran deserved better.

16. **Mr. Sin** Song Chol (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation rejected the unsubstantiated allegations made at the 34th meeting by the delegations of Japan, New Zealand and Canada.

Those countries had consistently fabricated human rights issues to justify the plundering and exploitation of less developed countries and they deserved to be condemned. The Committee should be a forum for discussion on measures to promote and protect human rights rather than for confrontation.

17. With regard to his country's military consolidation, including nuclear testing, he reiterated that his country had built up its defence capabilities in order to protect its people from such violations of the right to life as had been occurring in Iraq and Afghanistan, and to promote and protect the human rights of its people and prevent more blood from being shed on the Korean peninsula by belligerent, ruthless, ultra-right descendants of the samurai and spectres of militarism from Japan's history.

18. The abduction issue mentioned by the delegation of Japan had been fully resolved, in accordance with the Pyongyang Declaration. He urged Japan to take legal responsibility for its past crimes, such as the forcing of 200,000 women and girls into sexual slavery by the Japanese military, the forcible drafting of 8.4 million people and the genocidal massacre of one million Koreans. Japan should provide an honest apology and due compensation rather than attempt to cleanse its blood-stained hands.

19. He urged the Japanese authorities to fully implement the Pyongyang Declaration rather than continuing to distort and debase it. The talks for normalizing diplomatic relations mentioned in paragraph 2 of that Declaration had not yet taken place owing to Japan's insincerity and acts of betrayal, whereas the Declaration was the road map for bilateral relations between the countries and not an excuse for Japan to evade responsibility for its wrongdoings.

20. **Ms. Haile** (Eritrea), speaking in exercise of the right of reply to the statement made by the delegation of Canada, said that Eritrea was fully committed to all human rights, without the distinction between the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights that some delegations seemed to be making. Her Government had recently submitted its reports to the Committee on the Elimination of Discrimination against Women and to the Committee on the Rights of the Child, and was currently considering submitting its reports on other human rights instruments to which Eritrea had become a party.

21. Human rights could not be advanced through the use of double standards, and a guiding principle of the Human Rights Council was constructive cooperation without selectivity. Equal weight and attention should be given to international covenants and other international human rights instruments. It was thus regrettable that some delegations continued to follow the old practices that had discredited the Commission on Human Rights.

22. She rejected the concern expressed by Canada, which displayed a lack of objectivity and clear understanding of the situation in Eritrea. She hoped that the Human Rights Council could fulfil its mandate without an unhealthy exchange of accusations.

23. **Mr. Montoya Pedroza** (Colombia), speaking in exercise of the right of reply to the statement made by the delegation of Canada, said that the political and financial support that had been provided to his Government, including by Canada, for the demobilization of members of violent groups was fundamental to the success of that initiative, which had already demobilized 42,000 such members. The country's Justice and Peace Law and its recently established Commission for Reparation and Reconciliation had also been fundamental in that process.

24. Colombia had already provided information on the issue of displaced persons to the Committee. Measures such as the Democratic Security Policy, the legal and policy frameworks, the work of specialized agencies and budgetary resources had helped to improve the situation of internally displaced persons, facilitating their exercise of fundamental rights such as the rights to health, education and housing.

25. It was a priority of the Government to respect the activities of human rights defenders; human rights indicators had shown that their protection and the prevention of violations of their rights had been effective. The Democratic Security Policy and presidential directives had helped to significantly curb the rates of crime against those persons and raise public awareness of the importance of their work. The Government was strengthening the security situation in the country and moving towards peace. Political support and cooperation of the international community was fundamental in bringing those efforts to fruition.

26. **Mr. Shinyo** (Japan) said that the figures presented by the representative of the Democratic People's Republic of Korea were greatly exaggerated and therefore totally unacceptable. Such unsubstantiated information could not be used as an excuse or justification for the abductions committed by the Democratic People's Republic of Korea in clear violation of human rights and international law. Japan categorically rejected the attempt by the representative of the Democratic People's Republic of Korea to justify the abductions by linking issues of the past, which were irrelevant to the agenda item, to the ongoing issue of abductions, which related clearly to human rights. He therefore strongly urged the Democratic People's Republic of Korea to provide without delay concrete and reliable information concerning all those abducted, ensure the immediate return of all survivors and extradite those responsible for the abductions. He also urged the Democratic People's Republic of Korea to comply fully with paragraph 3 of the Pyongyang Declaration.

27. **Ms. Rasheed** (Observer for Palestine) said that countless reports of United Nations bodies, Amnesty International, Human Rights Watch and even Israeli human rights organizations all recognized the myriad of human rights violations committed by Israel against the Palestinian people.

28. Referring to the comments made by the representative of Israel concerning the Palestinian Authority and Hamas, she said that Israel had no right to lecture the Palestinian people on ways in which they should govern or who should be in government, especially given that successive Israeli Governments, without exception, had violated practically every United Nations resolution, including General Assembly and Security Council resolutions, and continued to commit countless violations of international law. Every Israeli Government had committed war crimes and State terrorism, allowed the theft of Palestinian land and the killing of civilians, including women, children, the disabled and the elderly, denied the Palestinian population their basic human rights and allowed occupation of Palestinian land to continue. Hamas was not the reason for such outrages or for acts of terrorism which had not taken place until nearly thirty years after the beginning of the Israeli occupation.

29. Israel continued to use "security reasons" and numerous other pretexts in order to make it more difficult to establish the facts on the ground and in a bid for more time in which to pursue further its illegal actions, including the seizure of land for settlements. In that regard, it should be noted that the number of illegal settlers on Palestinian land had doubled during the so-called "peace process". The wall constructed by Israel, purportedly for security purposes, in the occupied Palestinian territory, was intended only to impose a political boundary within which it could incorporate its illegal settlers.

30. Her delegation would not allow the reality of the situation in Gaza to be distorted: it was an undeniable fact that Gaza had become an open-air prison controlled in every way by Israel. It was a humanitarian catastrophe: nearly all vital civilian infrastructure had been bombed, sanitation and social services were severely lacking, and shells were fired daily by Israel, killing and injuring civilians, including children; all on the pretext of the capture of a single Israeli soldier. While President Mahmoud Abbas was actively engaged in securing the release of that Israeli soldier, some 10,000 Palestinian prisoners were languishing in highly unsanitary and inhumane conditions in Israeli prisons, including 350 children and 120 women, held in violation of international law. Israel would not achieve security by shelling civilian population centres, destroying homes, killing innocent civilians, building enclosures, harshening economic realities, subjecting 3.5 million Palestinians to siege and curfew, humiliating Palestinians at checkpoints and seizing more Palestinian land. In order to ensure security for both sides, it was clear, as recognized by the entire international community, that Israel must end its occupation and agree to comply with international law and international humanitarian law.

31. **Mr. Sin** Song Chol (Democratic People's Republic of Korea) said that his delegation categorically rejected the allegations made by the delegation of Japan. The claim that the figures presented by his delegation were "unsubstantiated" was wholly unacceptable, since those figures were well documented. For example, the Special Rapporteur on violence against women, its causes and consequences had indicated in a report (E/CN.4/1996/53/Add.1) that approximately 200,000 Korean women had been victims of sexual slavery at the hands of the Japanese military.

32. The Japanese authorities were driving relations between Japan and the Democratic People's Republic of Korea to their worst point in history by persisting in

their attempts to distort and exaggerate the issue of abductions for domestic political purposes. In so doing, they were betraying the spirit in which, at the end of 2004, the Japanese Government had officially thanked the Democratic People's Republic of Korea for its sincere efforts to settle the issue. The Japanese authorities should demonstrate genuine will to seek a solution by providing bereaved families with clear and correct information regarding those sincere efforts, instead of continuing to mislead public opinion, which would only deepen suspicion among the public. By internationalizing the issue, they sought to isolate the Democratic People's Republic of Korea, demonstrate leadership ability at the national level and foster ultra-nationalism as a means of justifying their militarist policy.

33. No matter how hard Japan might peddle the abduction issue in a bid to cover up its past crimes, Koreans would blame Japan for all past crimes and force it to pay for them. The Democratic People's Republic of Korea therefore strongly urged Japan to ponder the serious impact of the current situation on overall relations between the two countries, to acknowledge its legal responsibility for its past crimes against humanity, sincerely apologize for those crimes and provide due compensation to the victims in order to prevent similar disastrous consequences of militarism in the future.

Agenda item 68: Report of the Human Rights Council (A/61/53)

34. **The Chairman**, drawing attention to document A/61/53, recalled the recommendation adopted by the General Assembly at its 41st plenary meeting that agenda item 68 be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that dealt with the development of international law in the field of human rights. Taking into account that recommendation, the General Assembly in plenary meeting would consider the annual report of the Human Rights Council on its activities for the year. That division of work had been agreed upon with the understanding that the arrangement was owing to the fact that the Human Rights Council had only commenced its work in June 2006. It was also understood that the current arrangement was in no way a reinterpretation of General Assembly resolution 60/251 and would be reviewed before the beginning of the sixty-second session of the General Assembly, on the basis of the experience gained with the efficiency and practicality of the arrangement.

35. **Mr. Win** (Myanmar) said that, while his delegation welcomed the establishment of the Human Rights Council as a subsidiary organ of the General Assembly and commended the President of the Human Rights Council for his able leadership, it was clear that much needed to be done in the months ahead.

36. The good work of the Commission on Human Rights had been undermined by politicization, double standards, selectivity and lack of impartiality, with a resulting loss of efficiency, effectiveness and credibility, and the increasing misuse by some powerful countries of human rights mechanisms for political purposes had led to mistrust and confrontation, thus damaging the cause of human rights.

37. It was regrettable that some countries were continuing to address country-specific situations and working to present country-specific resolutions on certain other States in order to politicize the human rights issue. It was imperative to eliminate such politicization in order to avoid repeating the errors of the Commission on Human Rights, and to take a fresh approach to addressing human rights issues while adhering strictly to the provisions of General Assembly resolution 60/251.

38. In transforming the human rights mechanism, it was important to review the existing system of special procedures maintained by the defunct Commission and, as part of that review process, to give thorough consideration to the effectiveness of maintaining special procedures mandate holders or independent experts, whose large number was placing great strain on scarce resources. Factual, objective and unbiased reporting was crucial in addressing country-specific human rights situations. Reports based on unreliable sources and political bias on the part of special rapporteurs could not only be misleading but also damaged the image of the country concerned.

39. Some of the reports of special rapporteurs contained glaring errors, inaccuracies and assertions that entirely misrepresented the situation on the ground. For example, the report of the Special Rapporteur on the situation of human rights in

Myanmar in 2006 stated that rates of HIV/AIDS and tuberculosis infection remained among the highest in Asia, whereas the reports of both the United Nations Development Programme (UNDP) and the United Nations Programme on HIV/AIDS (UNAIDS) clearly showed that the low infection rates in Myanmar were widely regarded as a model in combating HIV and AIDS. The Special Rapporteur had also made an erroneous and alarming assertion that the outbreak of H5N1 avian influenza in March and April 2006 in Myanmar posed a potential pandemic threat, which was completely at odds with the encouraging statement made by the Senior United Nations System Coordinator for Avian and Human Influenza that the Government had worked effectively with the international community to prevent the spread of the disease and was ready to handle any future outbreaks.

40. The Special Rapporteur on the right to food had made a groundless observation that the situation regarding the right to food in Myanmar was precarious. However, recent food security statistics provided by FAO showed that Myanmar had a low level of undernourishment, and that food supply in Myanmar had improved since the beginning of the 1990s.

41. The reporting of such unverified information should be stopped, and special mandate holders must maintain their independent status in order to fulfil their mandates impartially.

42. The Human Rights Council should address all human rights issues through a universal periodic review process, addressing not only civil and political rights but also economic, social and cultural rights, including the right to development, and the selection of issues for inclusion on its agenda should be fair and balanced.

43. **Mr. Makanga** (Gabon), speaking on behalf of the African Group and raising a point of order under rule 113 of the rules of procedure, asked whether the President of the Human Rights Council would address the Third Committee. In the absence of the President of the Human Rights Council, he proposed that discussion of agenda item 68 be deferred until the Committee was able to engage in an interactive dialogue with the President.

44. **The Chairman** said that discussions regarding the possibility of dialogue with the President of the Human Rights Council were ongoing.

45. **Mr. Saeed** (Sudan) endorsed the proposal made by the representative of Gabon.

46. **Ms. Anttila** (Finland) said that the general discussion on agenda item 68 should proceed, since it had been announced in the *Journal*.

47. **Mr. Ritter** (Liechtenstein) said that it was important to adhere to the agreement reached at the 41st plenary meeting of the General Assembly, whereby the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, and the General Assembly in plenary meeting would consider the report of the Human Rights Council. It was clear, therefore, that the report should be presented in the plenary, not in the Third Committee. The recommendations of the Human Rights Council would automatically come before the Third Committee.

48. **Mr. Makanga** (Gabon), speaking on behalf of the African Group, said that the recommendation of the General Assembly made no reference to an address by the President of the Human Rights Council to the plenary. He insisted on the immediate adjournment of the meeting while awaiting consensus as to whether the President of the Human Rights Council should be present.

49. **Mr. Afifi** (Egypt), endorsing the statement made by the representative of Gabon, said that his delegation had also understood that the President of the Human Rights Council would address the Committee. However, it was undesirable to enter into an argument over the semantics of the recommendation adopted by the General Assembly. He therefore urged immediate action on the motion before the Chairman.

50. **Ms. Anttila** (Finland) said that, since rule 116 of the rules of procedure provided for adjournment of debate, her delegation would not oppose such adjournment, provided that it did not last more than half a day.

51. **The Chairman** took it that the Committee wished to adjourn its debate on item 68.

52. *It was so decided.*

The meeting rose at 11.55 p.m.